

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Cause No. 1:16-cr-0184-TWP-DML
	)	
KYREE BRICE HARRIS,	)	
	)	
Defendant.	)	- 01

**REPORT AND RECOMMENDATION**

On June 14, 2021, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on June 7, 2021. Defendant Harris appeared in person with his appointed counsel Sam Ansell. The government appeared by Jeff Preston, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Ryan Sharp.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Harris of his rights and provided him with a copy of the petition. Defendant Harris orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Harris admitted violation number 1. [Docket No. 132.] Government orally moved to withdraw the remaining violations numbered 2 and 3, which motion was granted by the Court.
3. The allegation to which Defendant admitted, as fully set forth in the petition, is:

**Violation  
Number**

**Nature of Noncompliance**

- 1           **“You shall reside in a residential reentry center for a term of 90 days. You shall abide by the rules and regulations of the facility.”**

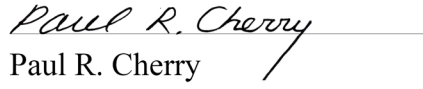
On April 26, 2021, Mr. Harris arrived at the Volunteers of America (VOA), where he was to reside for 90 days. Since that time, he has accumulated more than 10 incident reports for a variety of non-compliance including being out of place on numerous occasions, arriving home late from work multiple times, possessing contraband, possessing a marijuana joint, refusing orders, etc. The probation officer attempted to first handle his poor attitude and noncompliance by locking him down at the VOA facility. He continued to push the limits by complaining of headaches on multiple occasions demanding he go to the hospital. He would check in at the hospital, leave and not return for several hours. On June 4, 2021, he refused to provide a urine sample, was caught with a marijuana joint, and refused to follow orders. Ultimately, the VOA Director evicted Mr. Harris from the facility on June 7, 2021, due to his extensive pattern of non-compliant behavior.

4.       The parties stipulated that:
- (a)     The highest grade of violation is a Grade C violation.
  - (b)     Defendant’s criminal history category is II.
  - (c)     The range of imprisonment applicable upon revocation of supervised release, therefore, is 4 to 10 months’ imprisonment.
5.       The parties jointly recommended a sentence of four (4) months with no supervised release to follow.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of four (4) months with no supervised release to follow. The Defendant is to be taken into custody immediately pending the District Judge’s action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Date: 6/14/2021

  
Paul R. Cherry  
United States Magistrate Judge  
Southern District of Indiana

Distribution:

All ECF-registered counsel of record via email generated by the court's ECF system